

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ZACKARY ELLIS SANDERS,

Defendant.

Case No. 1:20-cr-00143  
The Honorable Judge Ellis

Pretrial Conference: January 15, 2021  
Trial Date: February 9, 2021

**MOTION TO SEAL AND MEMORANDUM IN SUPPORT OF SAME**

Pursuant to Local Criminal Rule 49(E), defendant, Zackary Ellis Sanders, through counsel, moves for an order permitting the defense to file under seal Exhibit 4 of Mr. Sanders's Memorandum in Support of Motion to Suppress Statements. A proposed order is attached for the consideration of the Court.<sup>1</sup> Mr. Sanders seeks to seal this exhibit because it contains medical records, which include his private health information. In support of this motion, the defense further states:

**I. Item to be Filed Under Seal, and Necessity for Sealing**

A. Mr. Sanders asks the Court to seal Exhibit 4, which contains sensitive medical information.

B. Filing Exhibit 4 under seal is necessary because it contains sensitive medical information.

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<sup>1</sup> The document to be filed under seal will be filed with the Court non-electronically pursuant to Local Criminal Rule 49(E) and the Electronic Case Filing Policies and Procedures (*see* p. 21). Pursuant to the Local Rules, the sealed document is to be treated as sealed pending the outcome of this motion.

C. Counsel for Mr. Sanders has considered procedures other than filing under seal and none will suffice to protect his private medical information.

## **II. Previous Court Decisions Which Concern Sealing Documents**

The Court has the inherent power to seal materials submitted to it. *See United States v. Wuagneux*, 683 F.2d 1343, 1351 (11th Cir. 1982); *State of Arizona v. Maypenny*, 672 F.2d 761, 765 (9th Cir. 1982); *Times Mirror Company v. United States*, 873 F.2d 1210 (9th Cir. 1989); *see also Shea v. Gabriel*, 520 F.2d 879 (1st Cir. 1975); *United States v. Hubbard*, 650 F.2d 293 (D.C. Cir. 1980); *In re Braughton*, 520 F.2d 765, 766 (9th Cir. 1975). “The trial court has supervisory power over its own records and may, in its discretion, seal documents if the public’s right of access is outweighed by competing interests.” *In re Knight Pub. Co.*, 743 F.2d 231, 235 (4th Cir. 1984).

## **III. Period of Time to Have the Document Under Seal**

The materials to be filed under seal would need to remain sealed indefinitely.

Accordingly, Mr. Sanders respectfully requests that this Court enter an order allowing the defense to file under seal Exhibit 4 to the Memorandum in Support of Motion to Suppress Statements.

Dated: December 17, 2020

Respectfully submitted,  
/s/ Jonathan S. Jeffress  
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*Attorneys for Defendant  
Zackary Ellis Sanders*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 17, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to counsel of record.

/s/ Jonathan Jeffress  
Jonathan Jeffress

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**[PROPOSED] SEALING ORDER**

This matter having come before the Court on the defendant's Motion for Leave to File Under Seal pursuant to Local Criminal Rule 49(E). Accordingly, for good cause shown, the Motion for Leave to File Under Seal is granted.

It is so ORDERED.

\_\_\_\_\_  
UNITED STATES DISTRICT COURT JUDGE

Date: \_\_\_\_\_

Alexandria, Virginia